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Acting Under Authority Conferred by 28 U.S.C. § 515

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Attorneys for United States of America

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN FRANCISCO DIVISION

UNITED STATES OF AMERICA,	)	Case No. CR 18-577 CRB
Plaintiff,	)	
v.	)	DECLARATION OF ZACHARY G.F.
	)	ABRAHAMSON IN SUPPORT OF THE UNITED
MICHAEL RICHARD LYNCH and	)	STATES' MOTION <i>IN LIMINE</i> NO. 5:
STEPHEN KEITH CHAMBERLAIN,	)	TO ENFORCE DEFENDANTS' RECIPROCAL
Defendant.	)	DISCOVERY OBLIGATIONS,
	)	Pretrial Conference: February 21, 2024
	)	Trial Date: March 18, 2024

I, Zachary G.F. Abrahamson, declare as follows:

1. I am a Special Assistant United States Attorney with the United States Attorney's Office for the Northern District of California ("USAO"). I am assigned to the prosecution of the above-referenced case. I make this declaration in support of the United States' Motion *in Limine* to Enforce Defendants' Reciprocal Discovery Obligations. The statements herein are based in part on personal knowledge and in part on information and belief from my review of documents in this matter and my discussions with counsel for the government, law

1 enforcement agents, and others.

- 2 2. On January 3, 2024, I received from counsel for Defendants Lynch and Chamberlain  
3 respectively an e-mailed certification that neither Defendant had disclosures to make  
4 pursuant to Rule 16(b) of the Federal Rules of Criminal Procedure.
- 5 3. I understand based on conversations with co-counsel that, during a call with counsel for  
6 Poppy Gustaffson, the government learned that counsel for Defendant Lynch had spoken  
7 with Gustaffson on close to 20 occasions.
- 8 4. Attached hereto as Exhibit A is a true, correct, and redacted copy of an FBI report from an  
9 interview of John Schultz, conducted in connection with this matter on March 28, 2018.
- 10 5. Attached hereto as Exhibit B is a true, correct, and redacted copy of an FBI report from an  
11 interview of Chris Chan, conducted in connection with this matter on May 5, 2016.
- 12 6. Attached hereto as Exhibit C is a true, correct, and redacted copy of an FBI report from an  
13 interview of Vanessa Colomar, conducted in connection with this matter on September 7,  
14 2018.
- 15 7. Attached hereto as Exhibit D is a true and correct copy of correspondence received by  
16 Assistant United States Attorney Adam Reeves on January 16, 2024 from counsel for Poppy  
17 Gustaffson containing a log of 2018 communications between Gustaffson and counsel for  
18 Defendant Lynch.

19 I declare, under penalty of perjury, that the foregoing is true and correct. Executed this 17th day  
20 of January 2024.

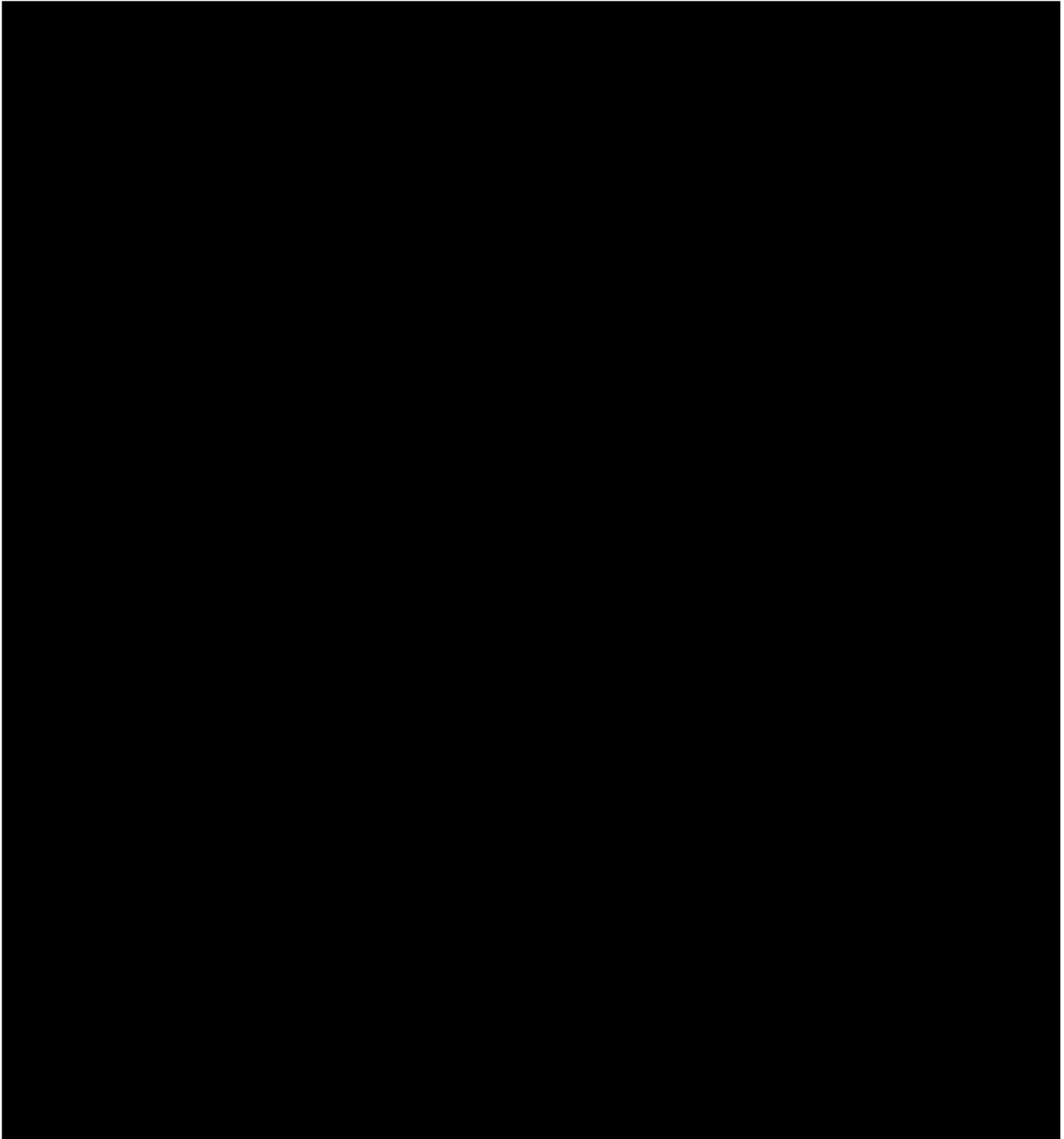
21 \_\_\_\_\_/s/\_\_\_\_\_  
22 ZACHARY G.F. ABRAHAMSON  
23 Special Assistant U.S. Attorney  
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# EXHIBIT A



**FEDERAL BUREAU OF INVESTIGATION**

Date of entry 04/02/2018



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Investigation on 03/28/2018 at San Francisco, California, United States (In Person)


File # 318A-SF-2582907-302 Date drafted 03/29/2018

by GAWRYCH JAMES

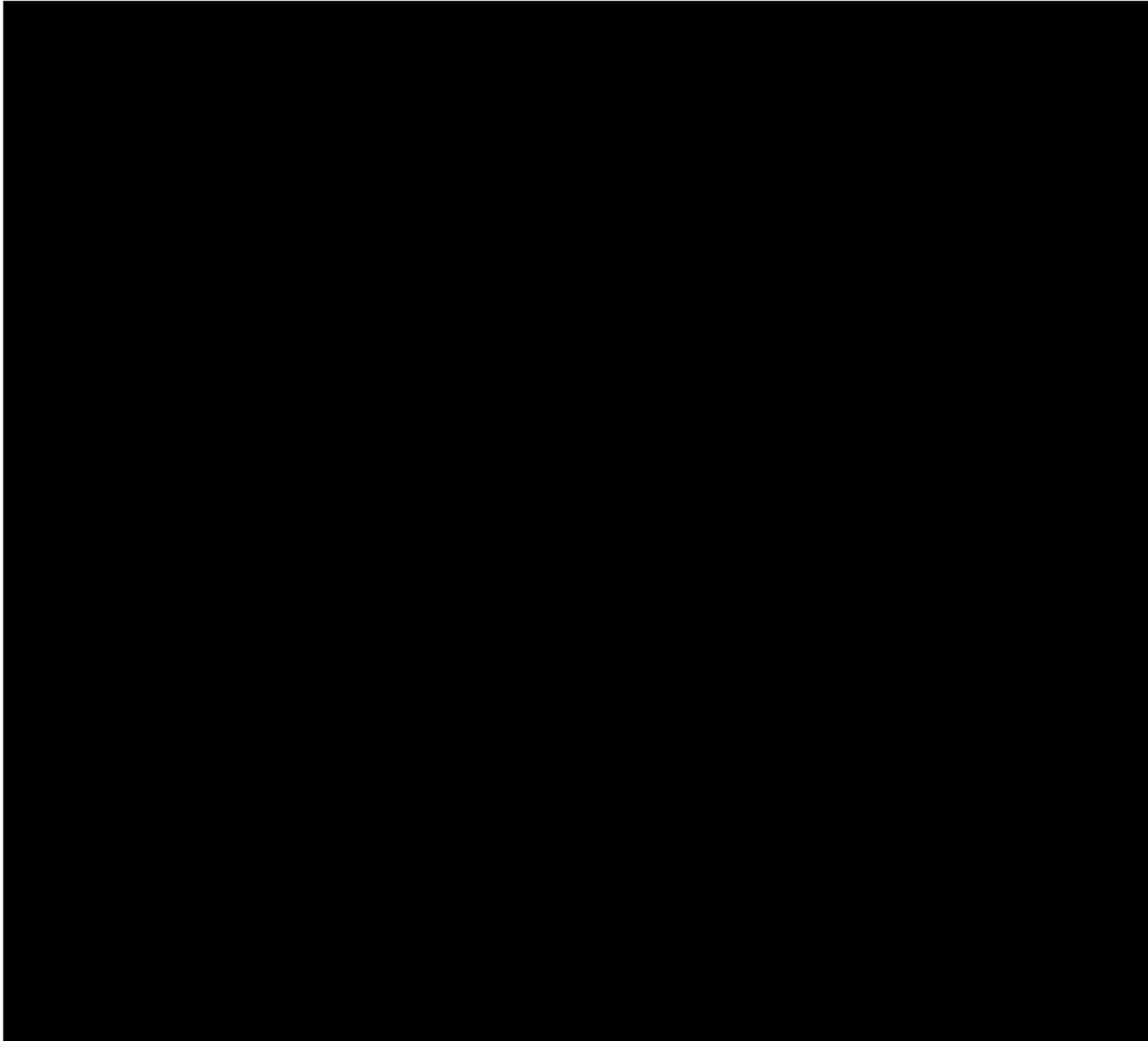
This document contains neither recommendations nor conclusions of the FBI. It is the property of the FBI and is loaned to your agency; it and its contents are not to be distributed outside your agency.

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318A-SF-2582907-302

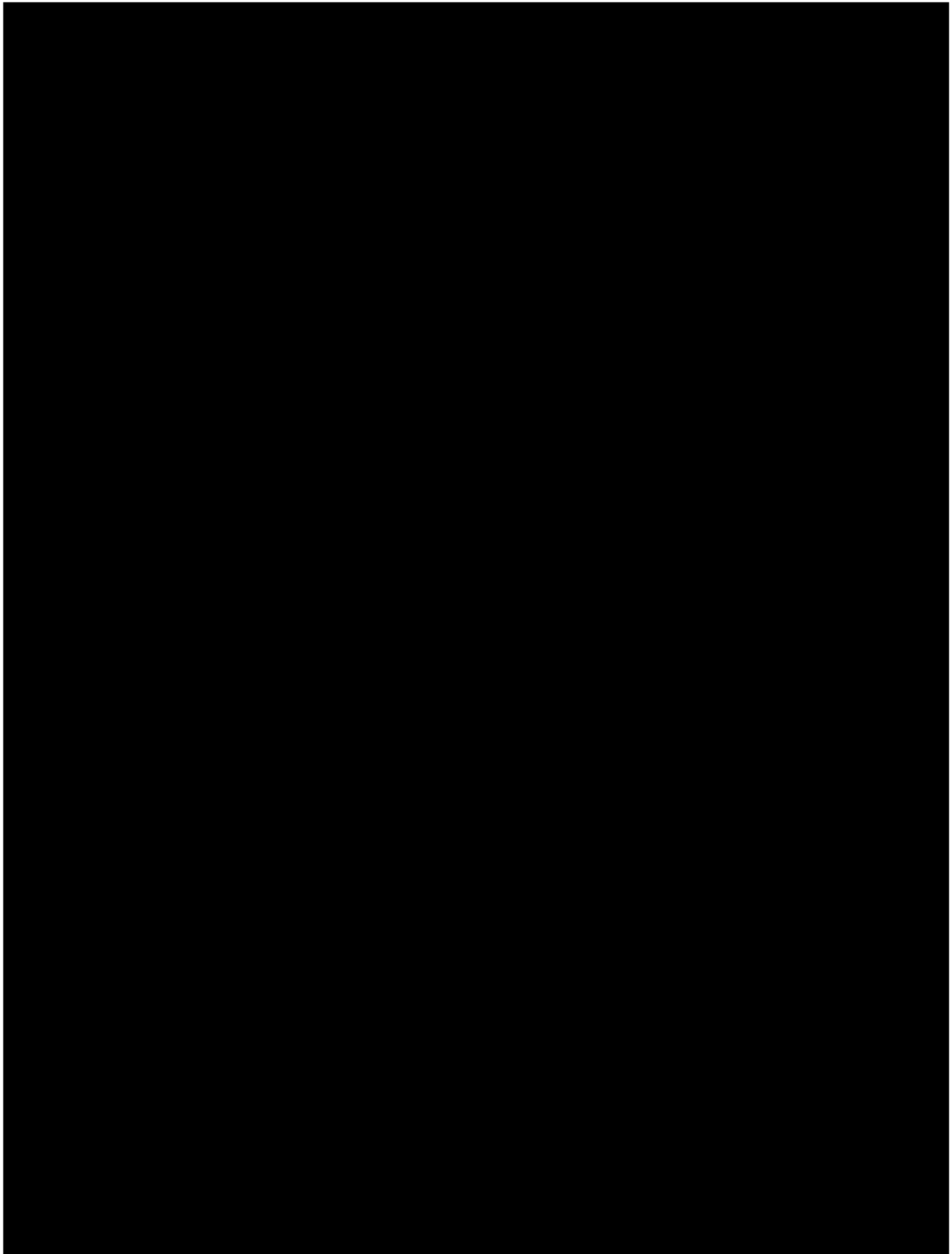
Continuation of FD-302 of (U) Interview of John Schultz, On 03/28/2018, Page 2 of 4

SCHULTZ asked about source code location for HP. LYNCH indicated he had not been around it for years. LYNCH recalled PETE MANELL (PH) may have had a copy somewhere. LYNCH did not recall location of a mini notebook that was assigned to him. SCHULTZ was unaware if HP ever received it back.



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Continuation of FD-302 of (U) Interview of John Schultz, On 03/28/2018, Page 3 of 4



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Continuation of FD-302 of (U) Interview of John Schultz, On 03/28/2018, Page 4 of 4



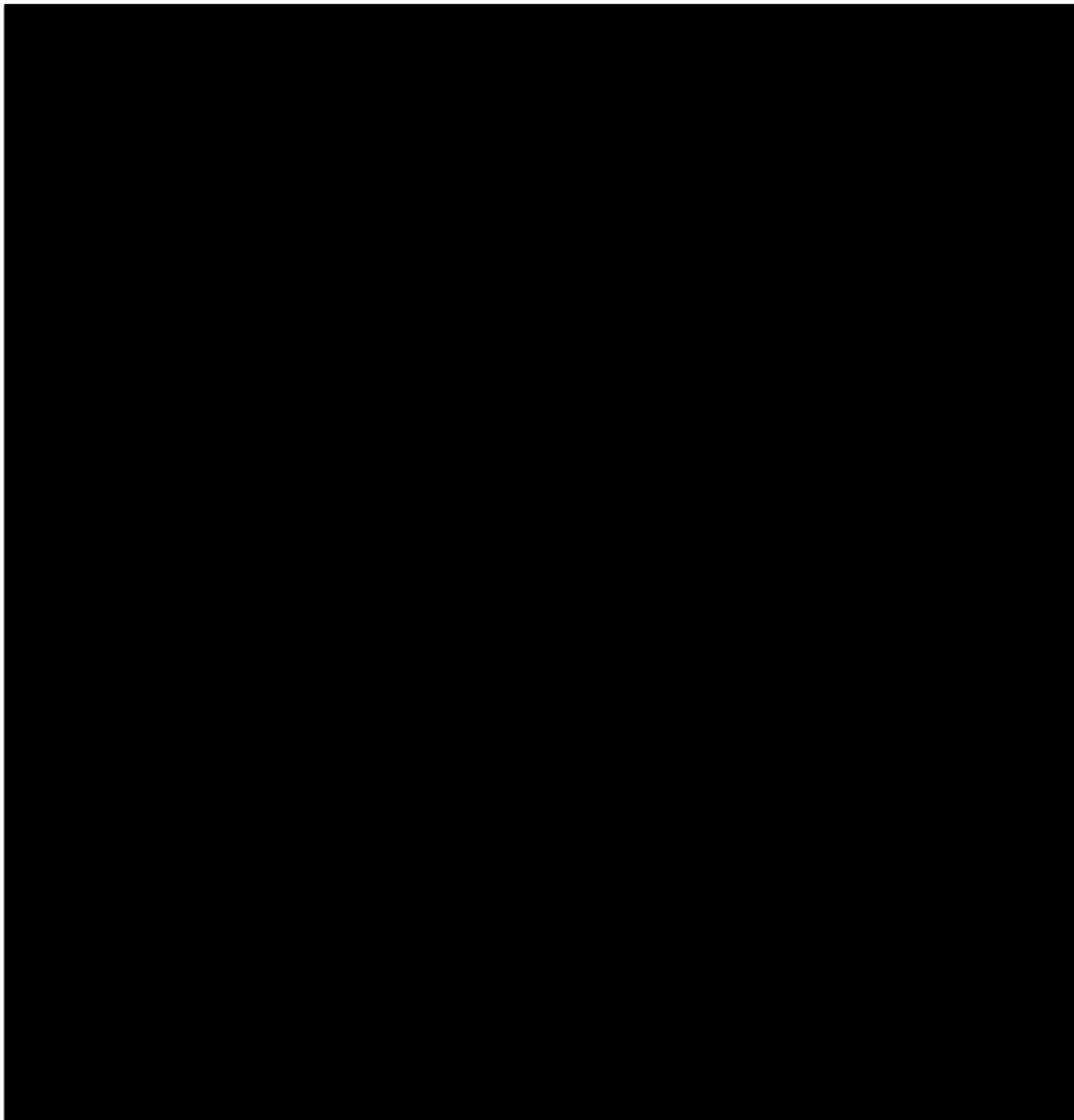
# EXHIBIT B





**FEDERAL BUREAU OF INVESTIGATION**

Date of entry 08/01/2016



Investigation on 05/05/2016 at London, United Kingdom (In Person)

File # 318A-SF-2582907-302 Date drafted 05/06/2016

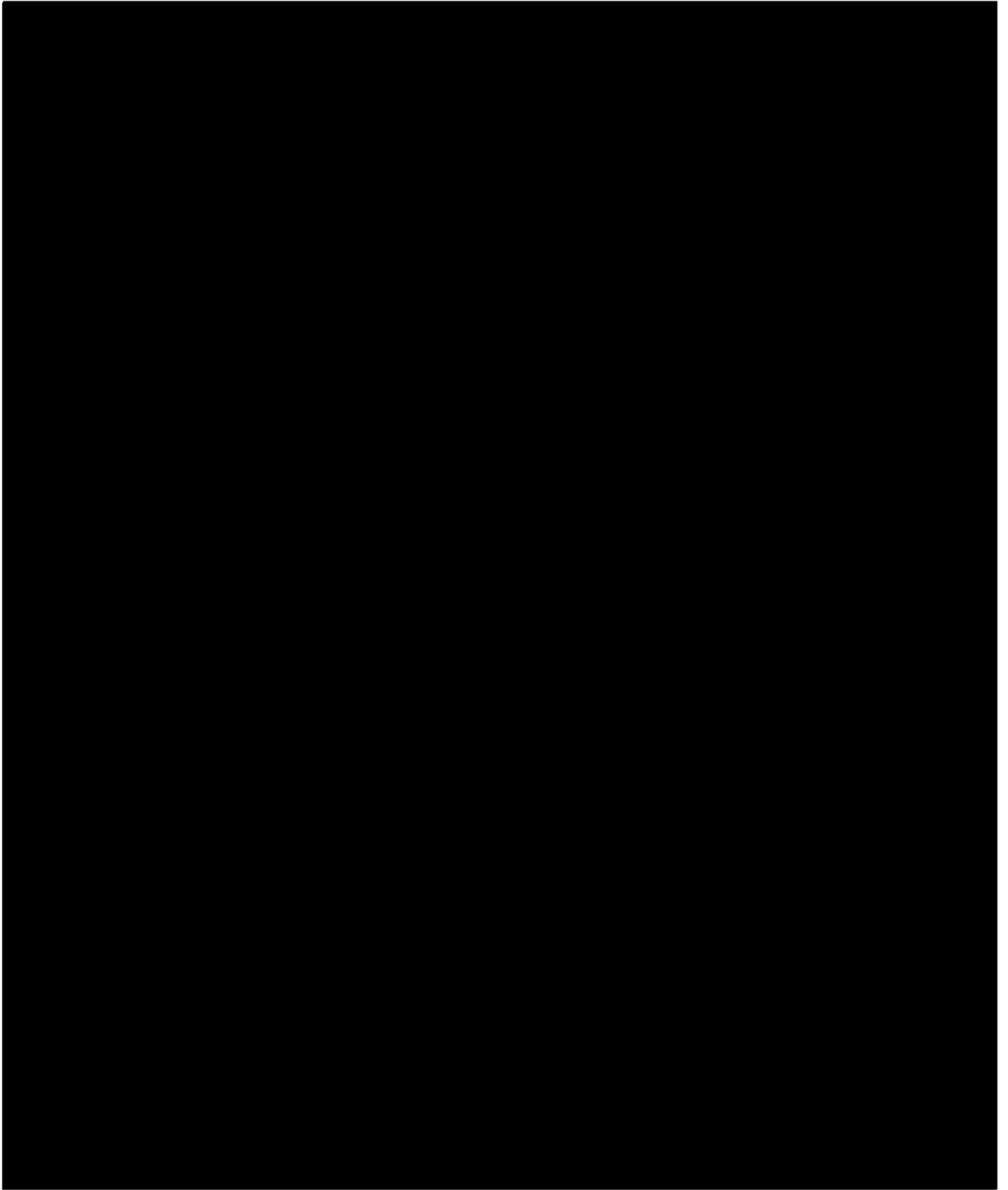
by KWOK LESTER

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FD-302a (Rev. 05-08-10)

318A-SF-2582907-302

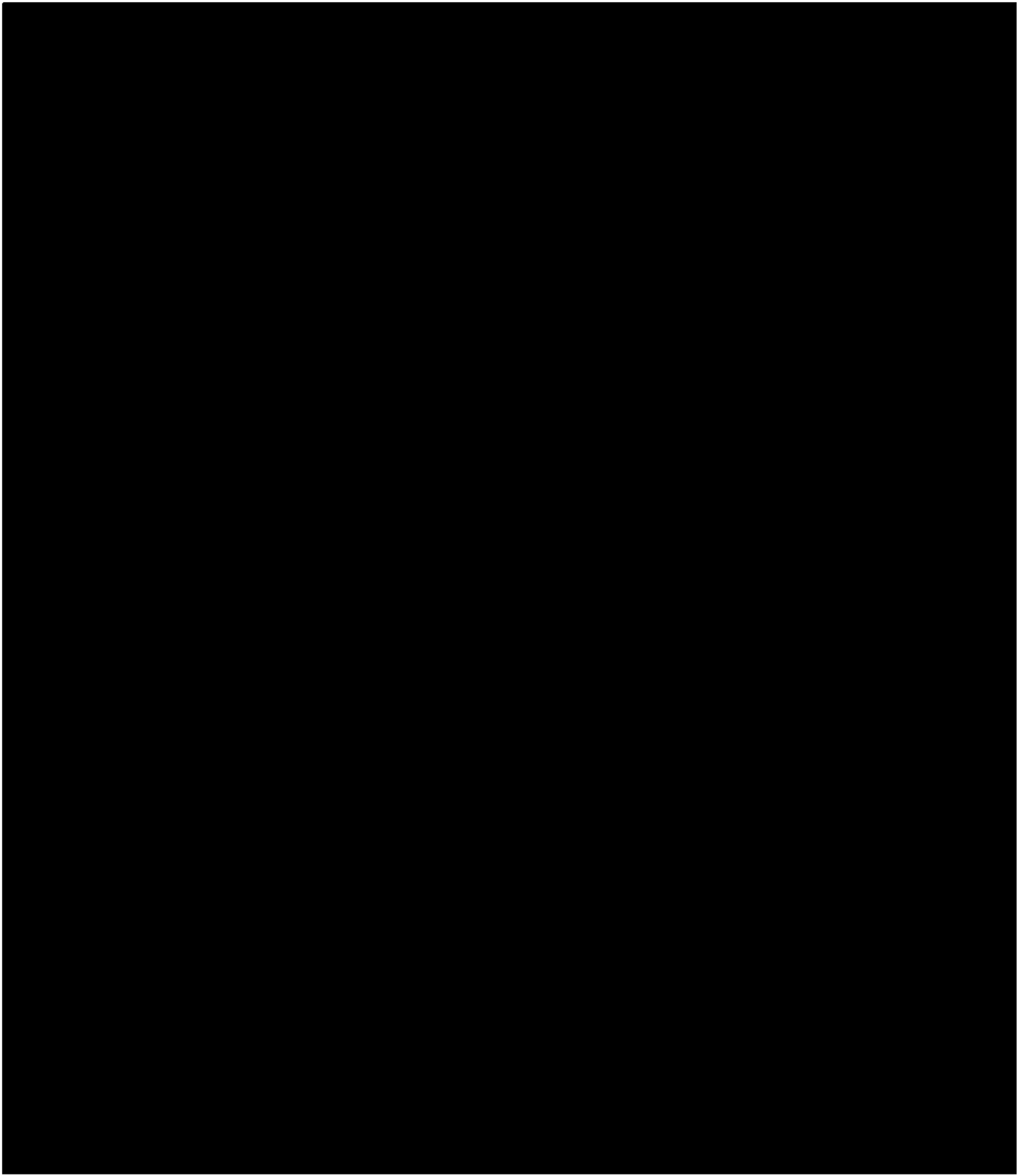
(U) CHRISTOPHER KIT-SAN CHAN (Autonomy IT  
Continuation of FD-302 of 5-5-2016 , On 05/05/2016 , Page 2 of 5



FD-302a (Rev. 05-08-10)

318A-SF-2582907-302


(U) CHRISTOPHER KIT-SAN CHAN (Autonomy IT  
Continuation of FD-302 of 5-5-2016 , On 05/05/2016 , Page 3 of 5



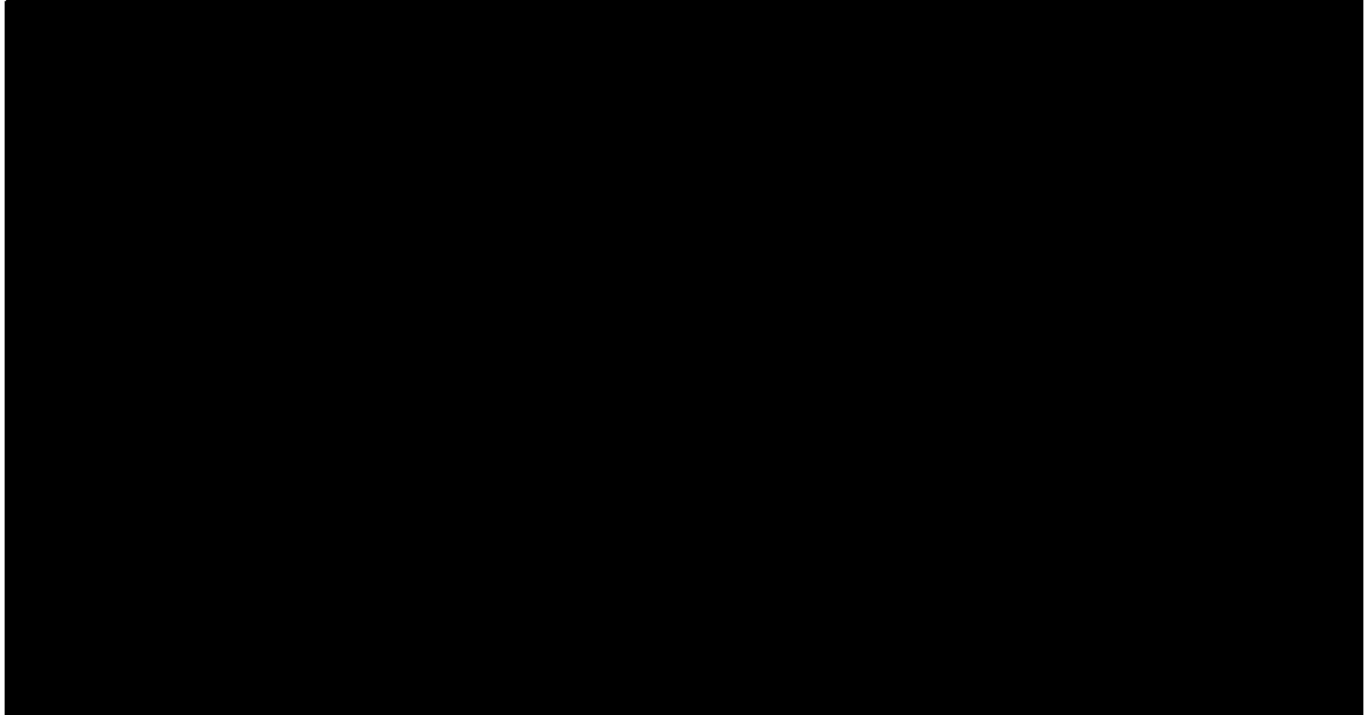
FD-302a (Rev. 05-08-10)

318A-SF-2582907-302

(U) CHRISTOPHER KIT-SAN CHAN (Autonomy IT  
Continuation of FD-302 of 5-5-2016), On 05/05/2016, Page 4 of 5



CHAN was asked into MENELL's office. MENELL told CHAN that KANTER wanted to see him. CHAN believed this was strange because CHAN and KANTER spoke all the time and this was unusual having MENELL as a go between. KANTER wanted CHAN to wipe clean CHAMBERLAIN's laptop and the backup. CHAN told KANTER that these were the only copies he had and asked KANTER if he was sure this was what he wanted to do. KANTER said yes and stated that he had a copy of CHAMBERLAIN's laptop. CHAN did what KANTER asked because he believed KANTER knew what he was doing. Both KANTER and MENELL knew that CHAN had backed-up other departing employees' laptop. KANTER did not ask CHAN to wipe clean any other employee's laptop.



FD-302a (Rev. 05-08-10)

318A-SF-2582907-302

(U) CHRISTOPHER KIT-SAN CHAN (Autonomy IT

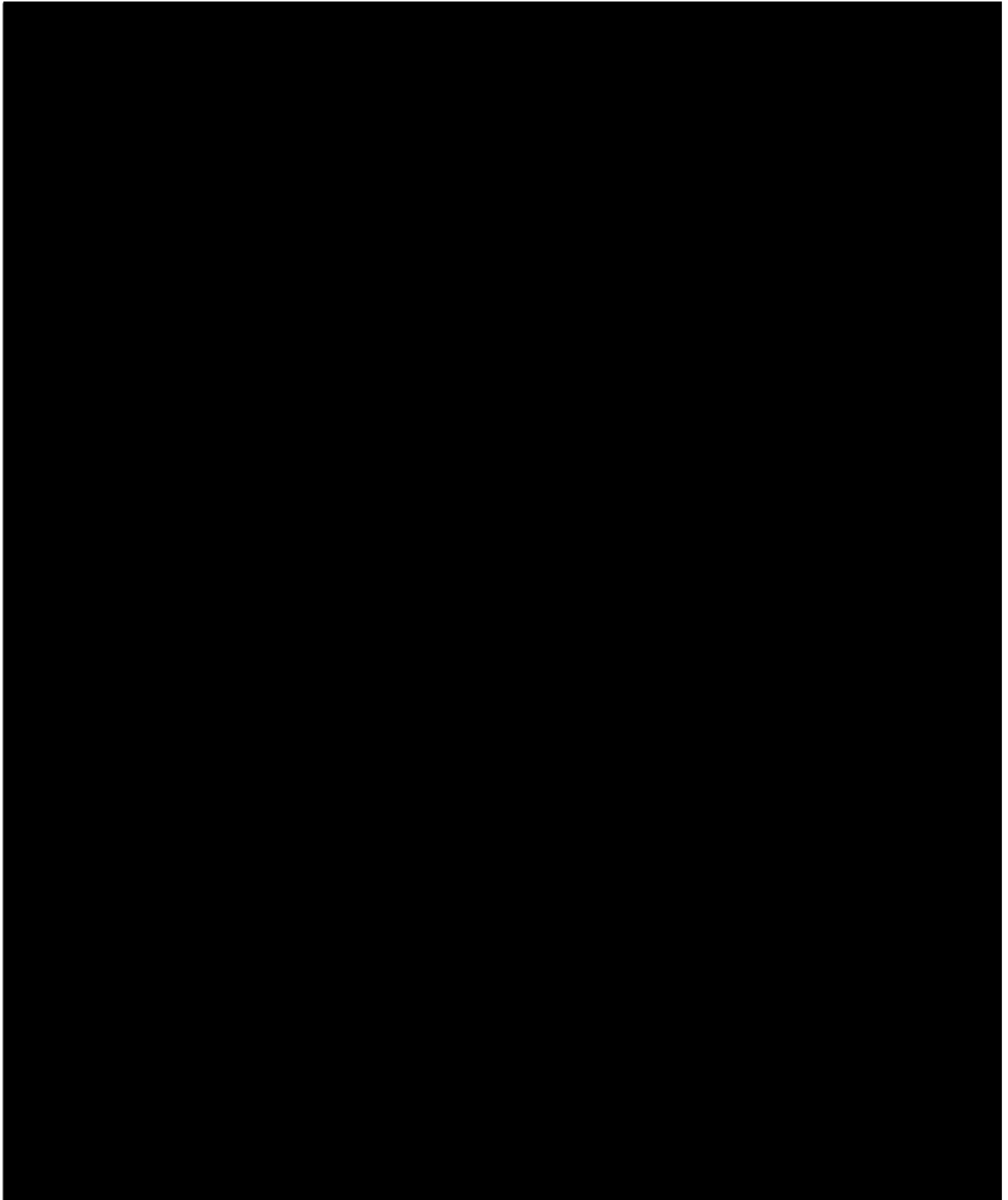
Continuation of FD-302 of 5-5-2016)

, On

05/05/2016

, Page

5 of 5

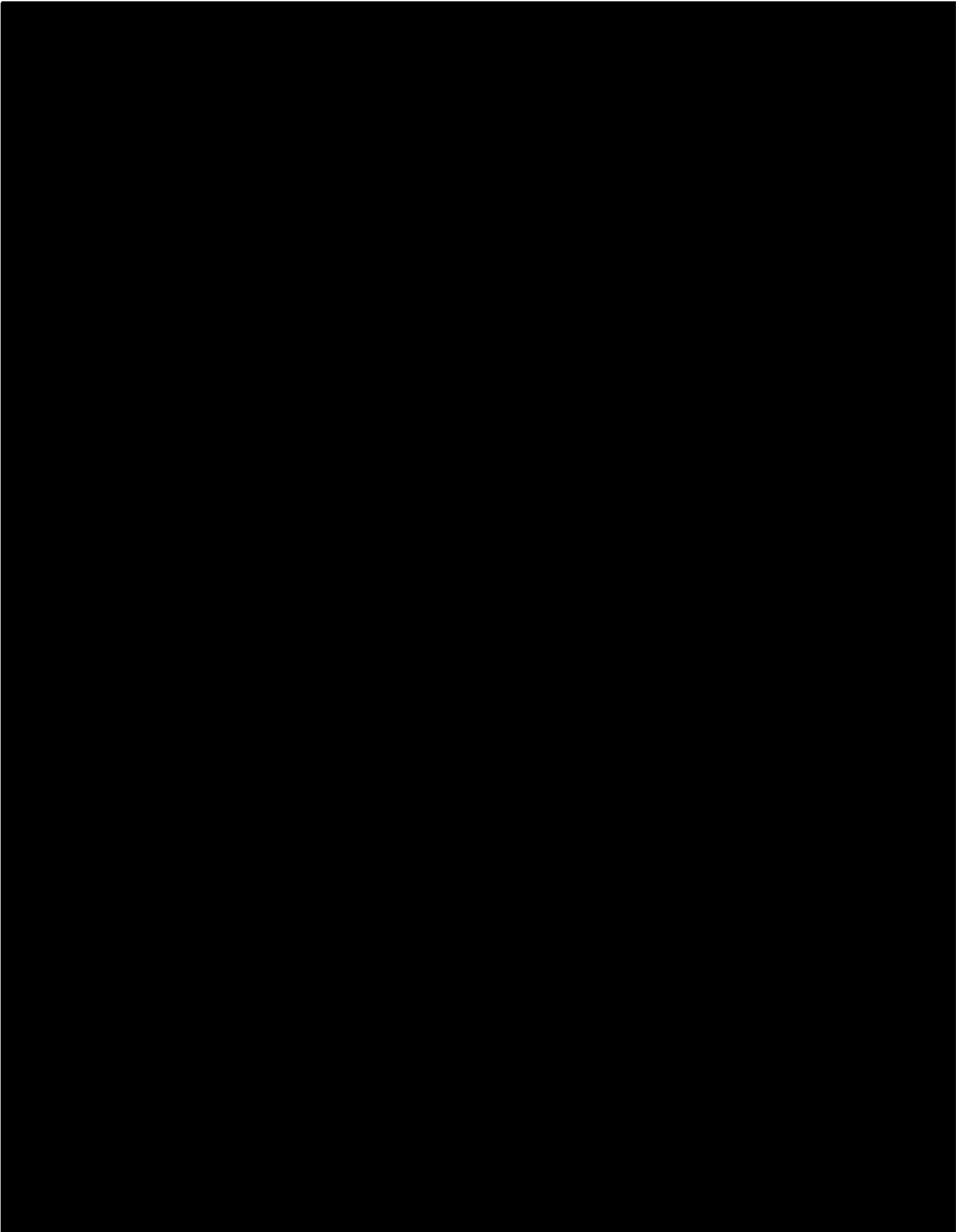


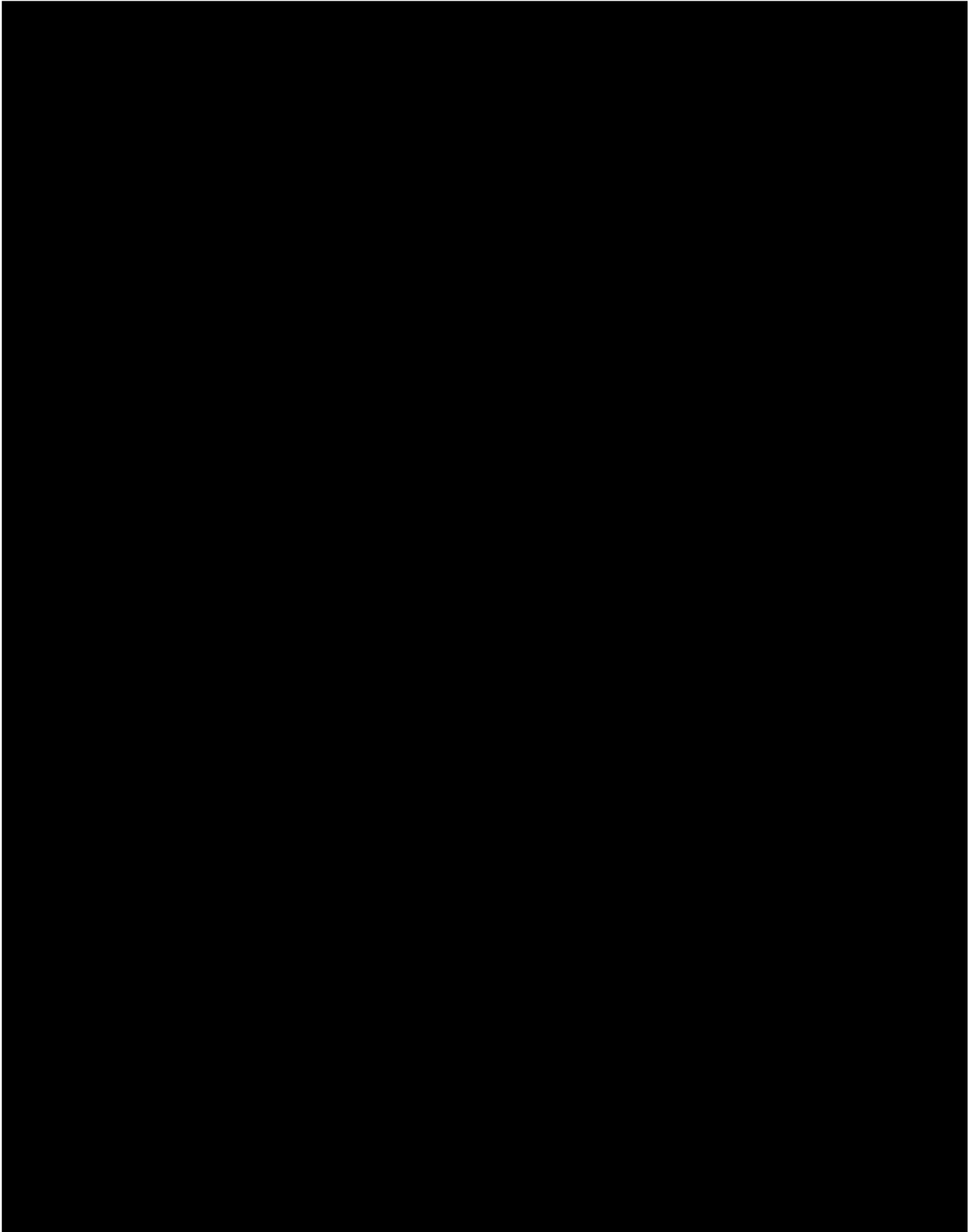


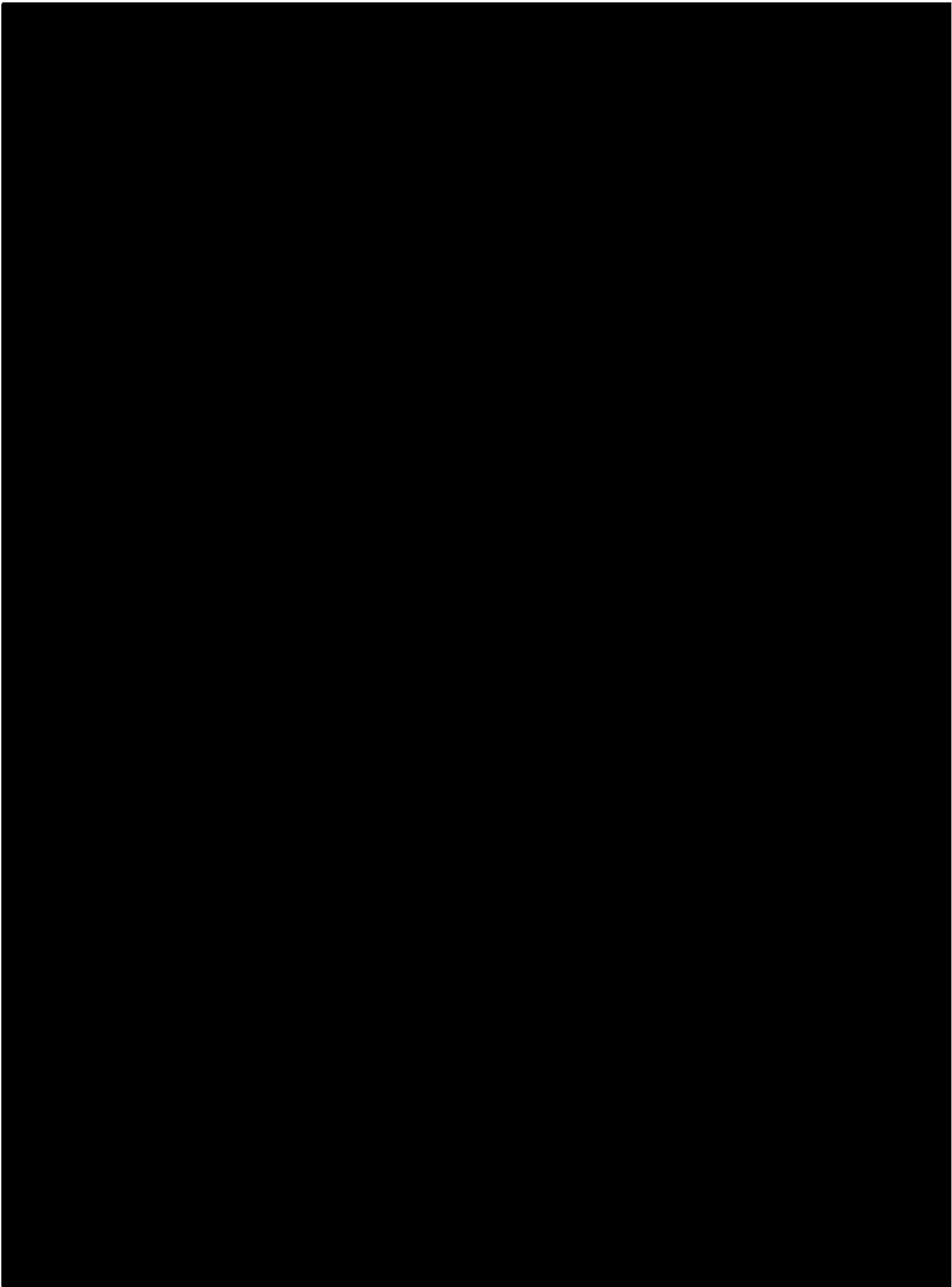










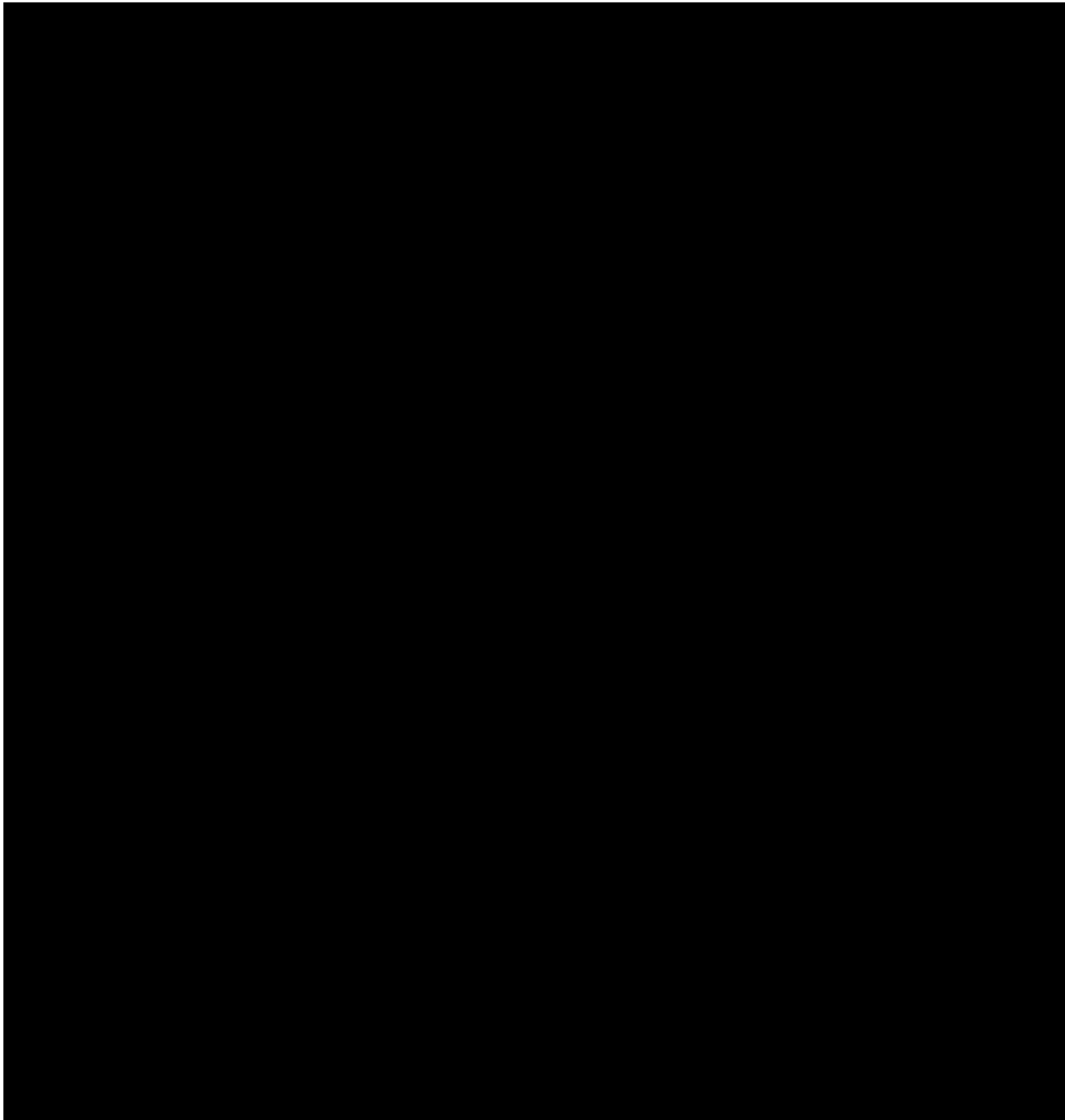


# EXHIBIT C



## FEDERAL BUREAU OF INVESTIGATION

Date of entry 10/07/2018



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Investigation on 09/07/2018 at New York City, New York, United States (In Person)

File # 318A-SF-2582907-302 Date drafted 10/01/2018

by Alexandra E. Bryant, Sarah Bak

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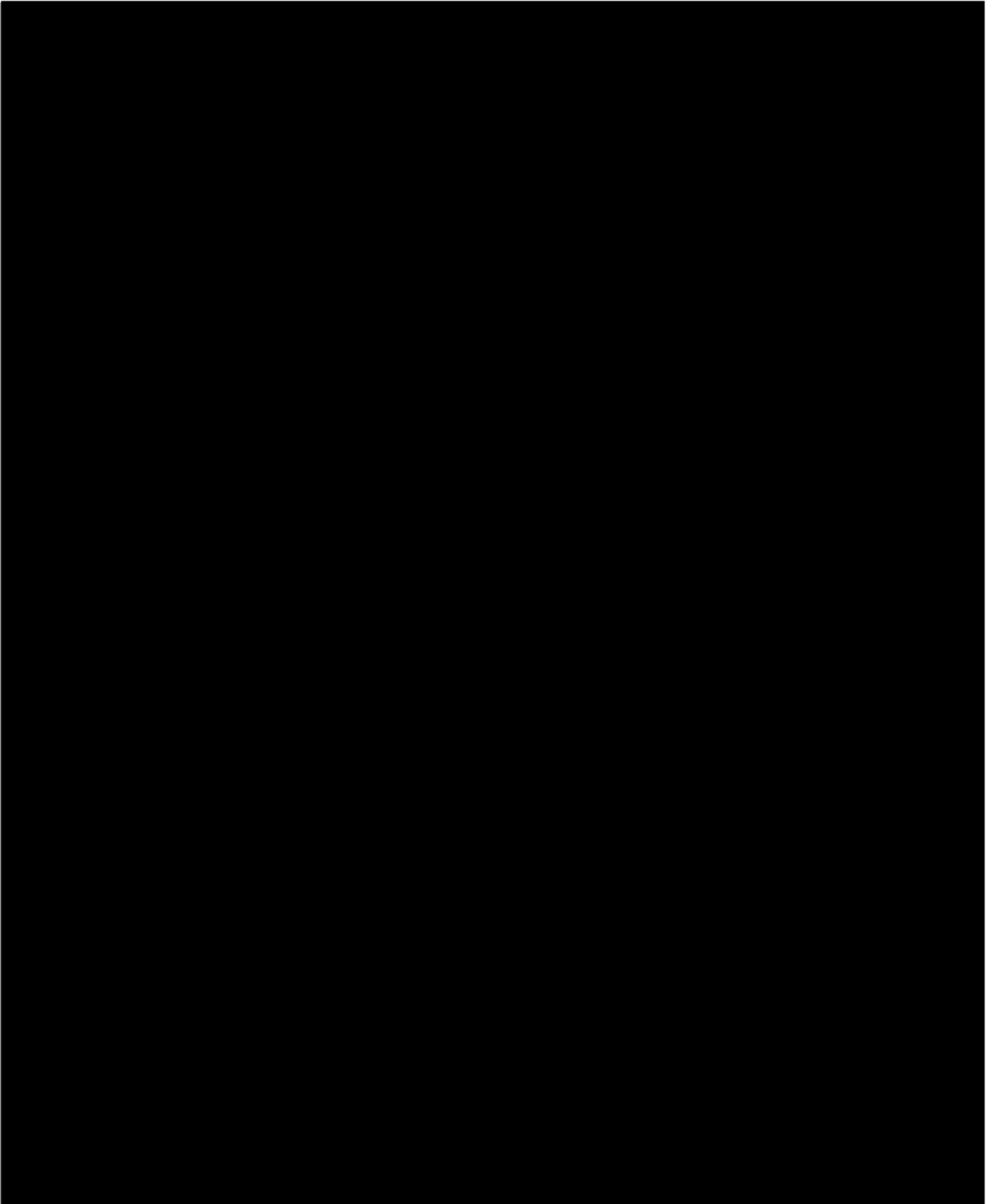
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Continuation of FD-302 of (U) Interview of Vanessa Colomar, On 09/07/2018, Page 2 of 9

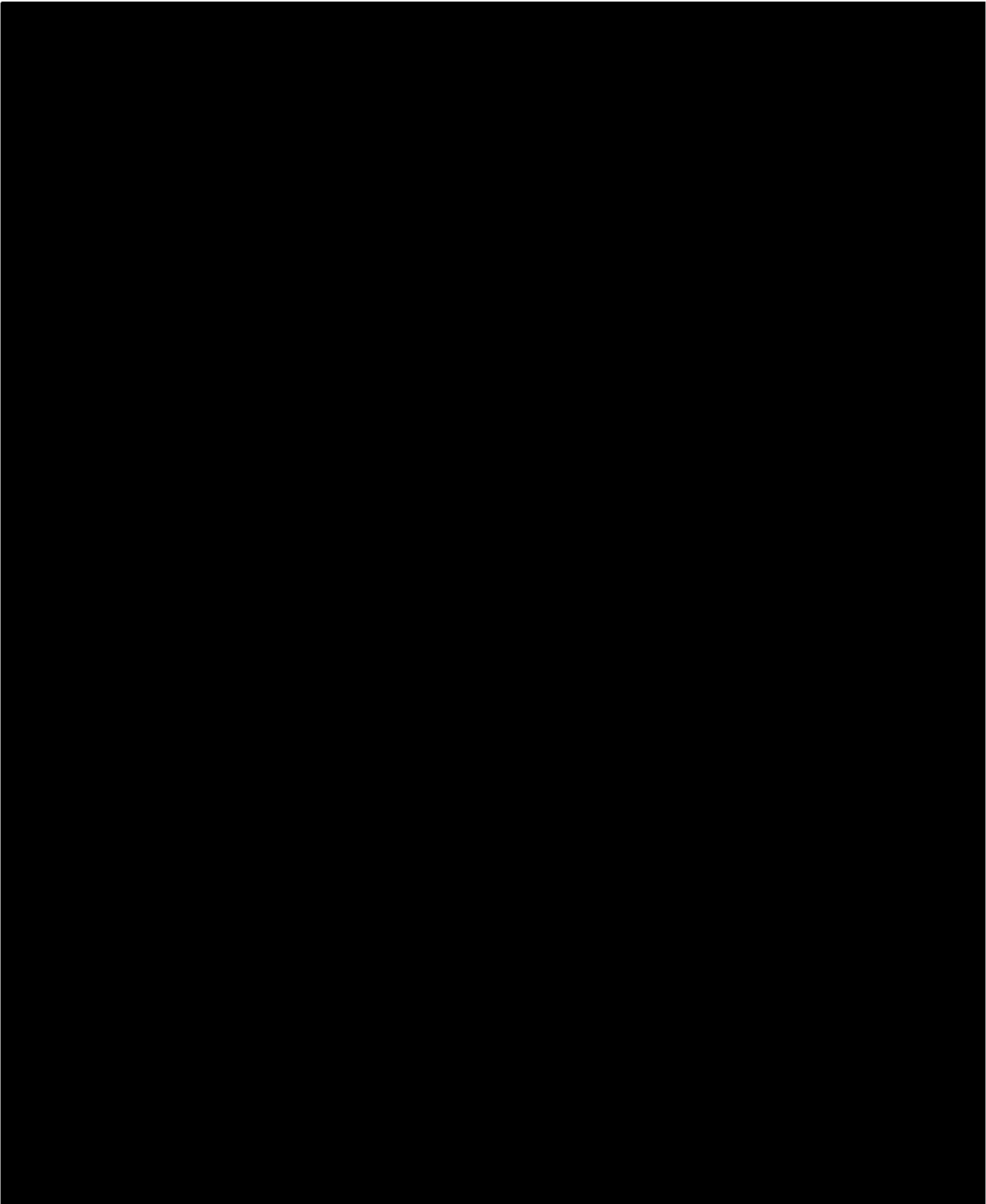
318A-SF-2582907-302

Continuation of FD-302 of (U) Interview of Vanessa Colomar, On 09/07/2018, Page 3 of 9



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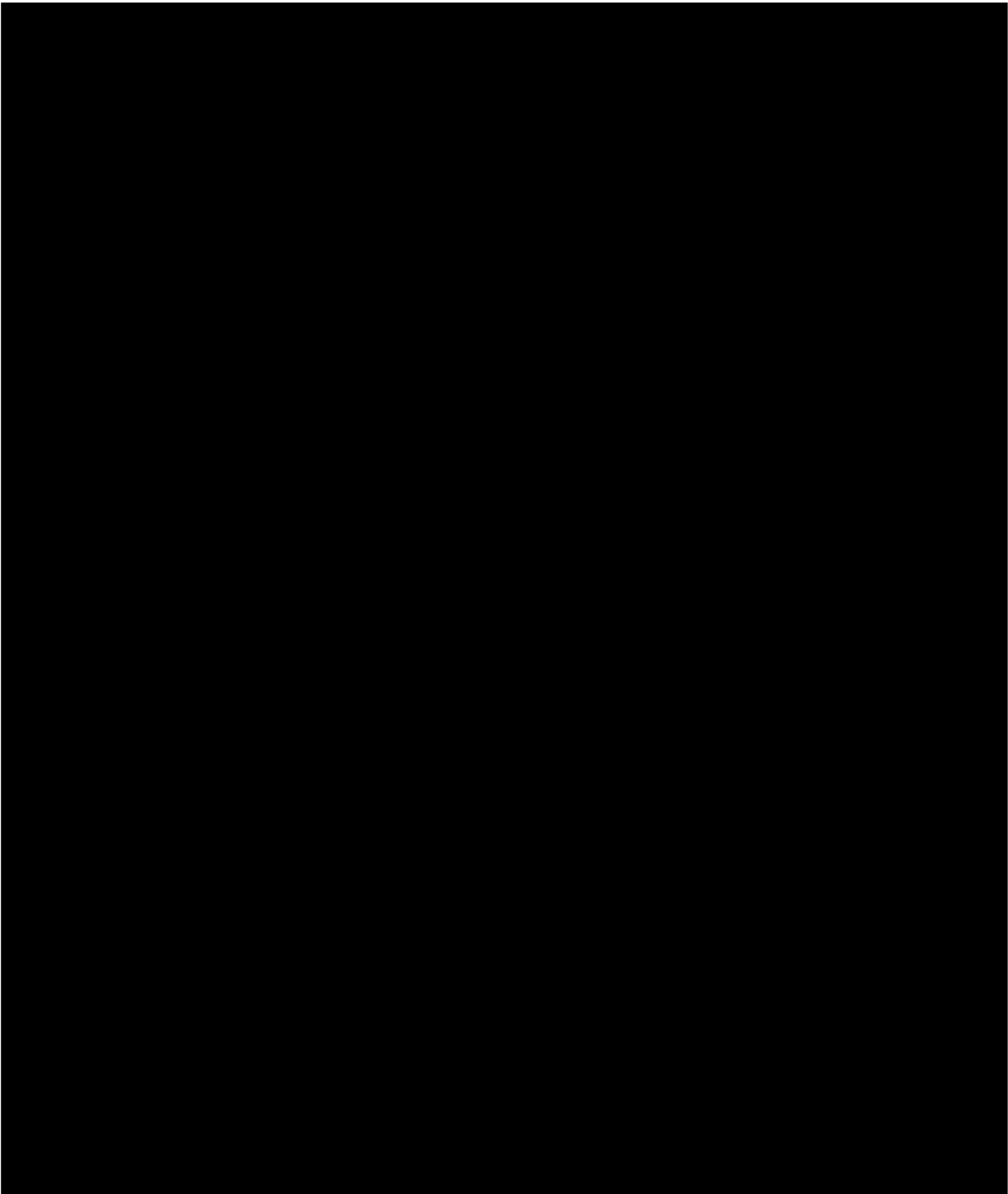
Continuation of FD-302 of (U) Interview of Vanessa Colomar, On 09/07/2018, Page 4 of 9





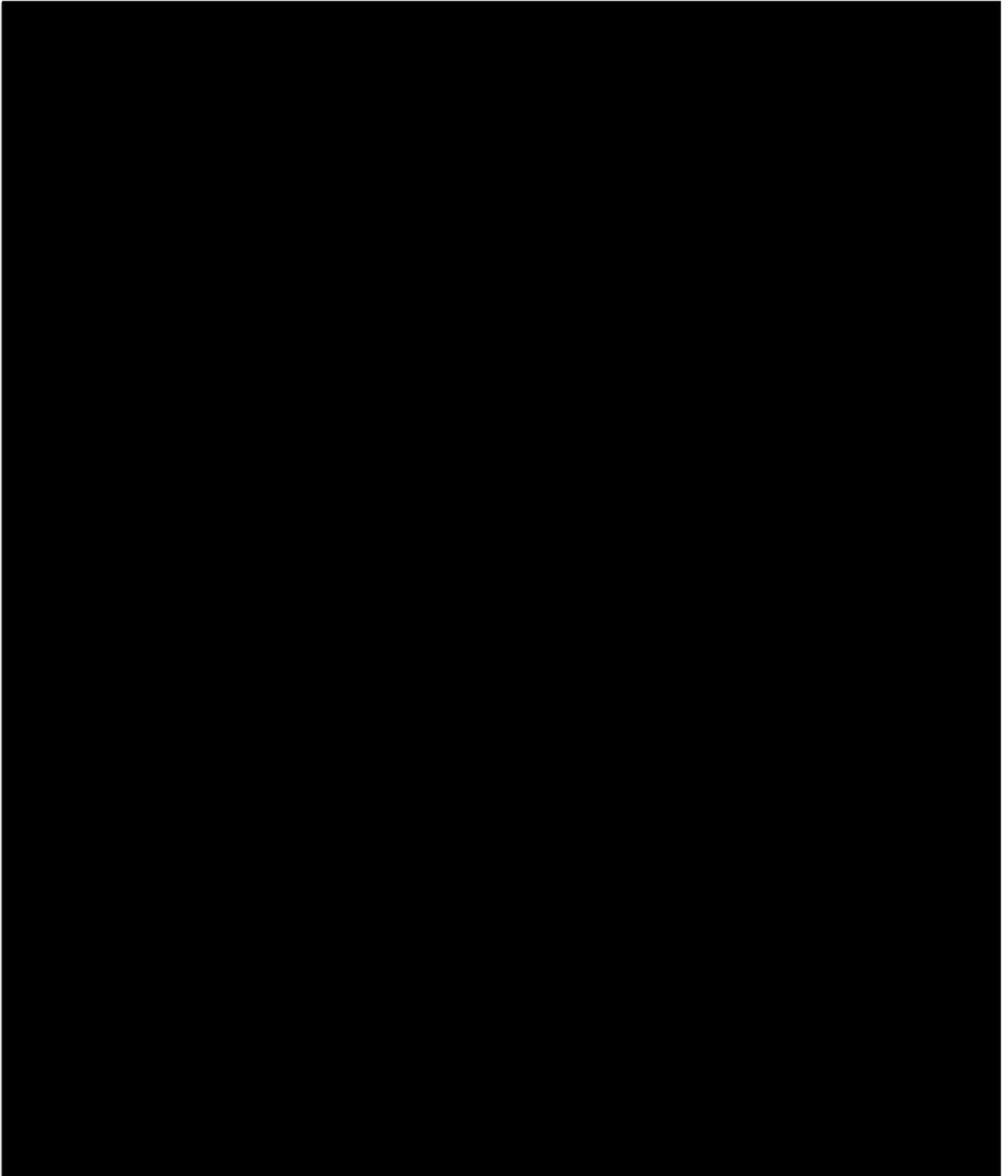
318A-SF-2582907-302

Continuation of FD-302 of (U) Interview of Vanessa Colomar, On 09/07/2018, Page 5 of 9



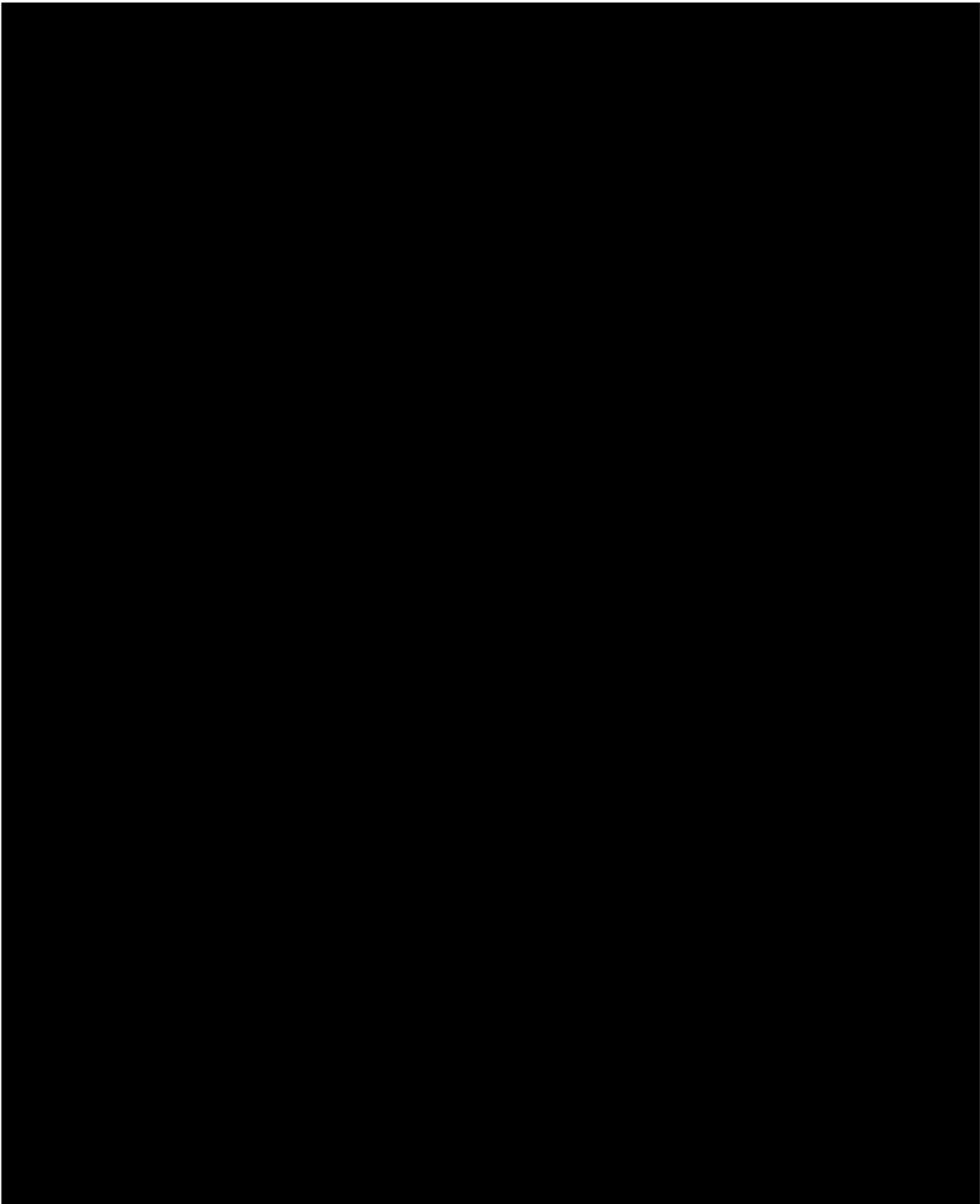
318A-SF-2582907-302

Continuation of FD-302 of (U) Interview of Vanessa Colomar, On 09/07/2018, Page 6 of 9



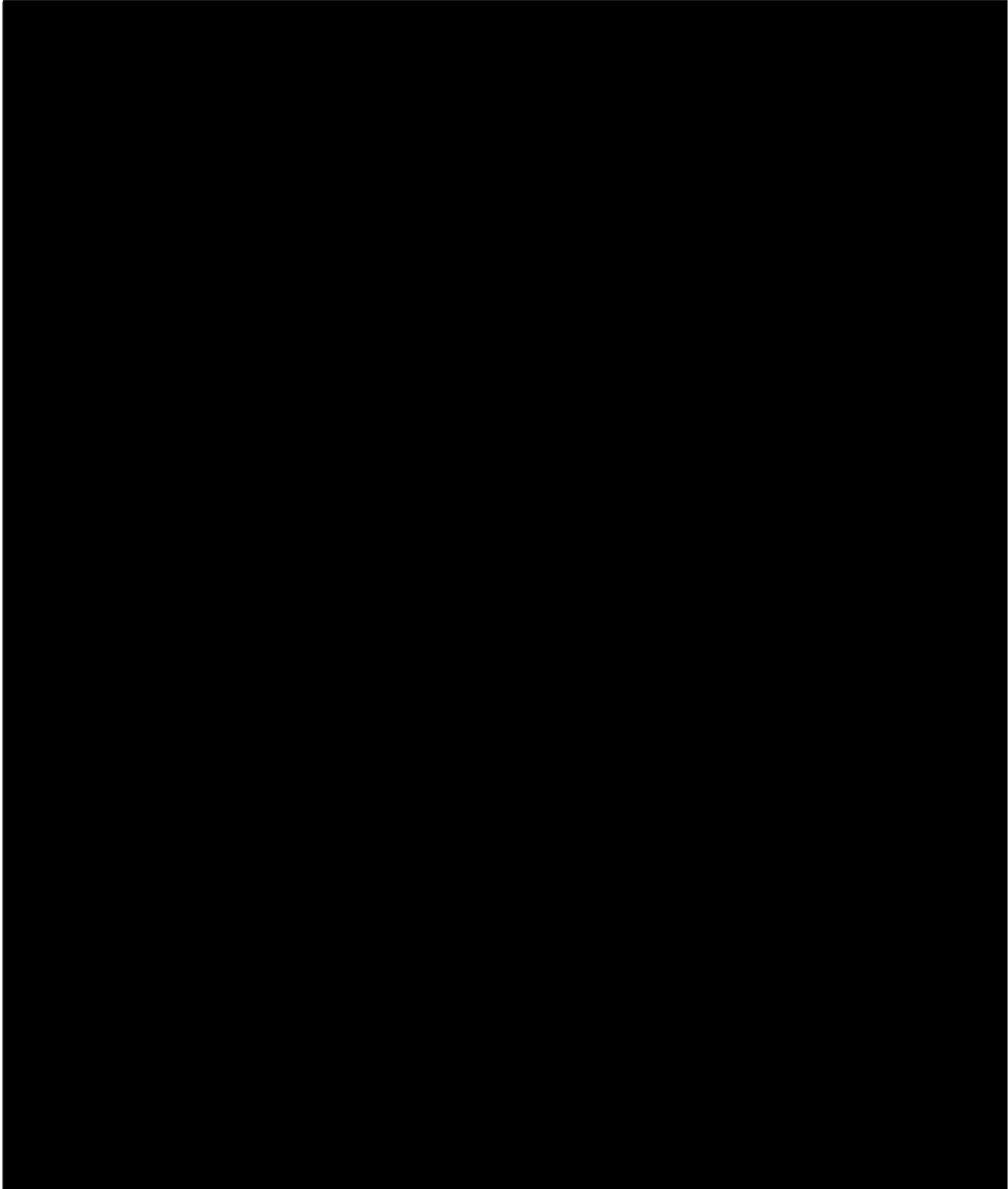
318A-SF-2582907-302

Continuation of FD-302 of (U) Interview of Vanessa Colomar, On 09/07/2018, Page 7 of 9



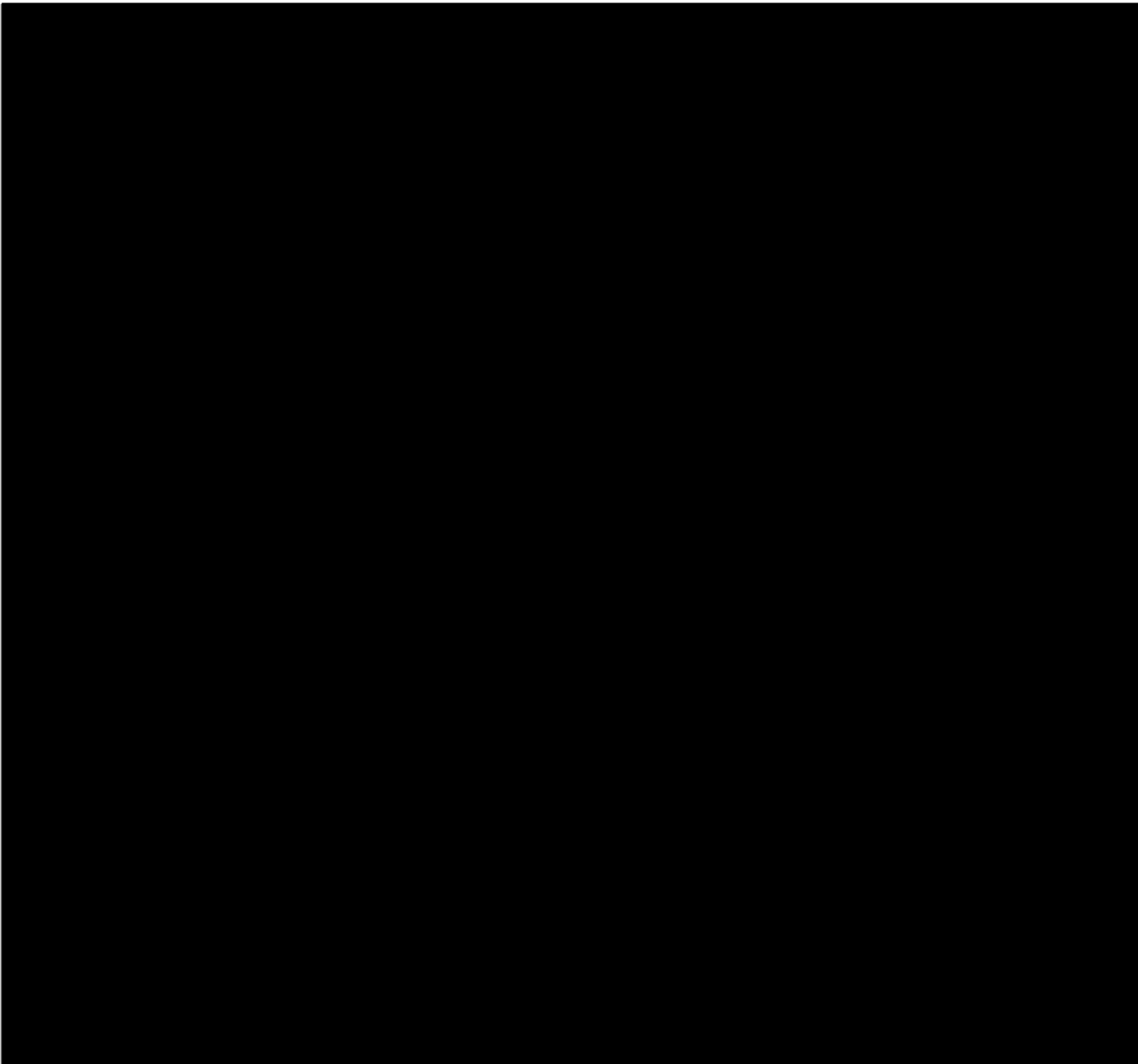
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Continuation of FD-302 of (U) Interview of Vanessa Colomar, On 09/07/2018, Page 8 of 9

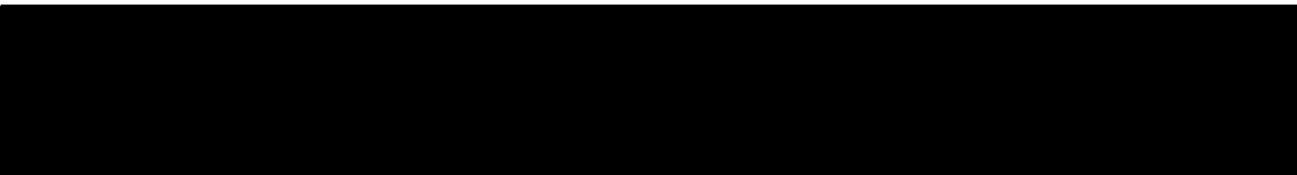


318A-SF-2582907-302

Continuation of FD-302 of (U) Interview of Vanessa Colomar, On 09/07/2018, Page 9 of 9



Around 2014 HARRIS would send COLOMAR emails with spreadsheets attached that COLOMAR was supposed to print out and give to HUSSAIN. This was after LYNCH had left HP, but COLOMAR was not sure if HARRIS was at HP still at the time of the emails. HARRIS asked COLOMAR to print the documents for HUSSAIN, which COLOMAR did. COLOMAR provided these emails to GITNER.



# EXHIBIT D

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**Akin**

James Joseph Benjamin, Jr.  
212-872-8091  
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**CONFIDENTIAL**

January 16, 2024

VIA E-MAIL

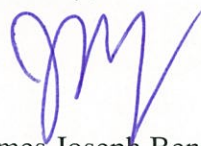
AUSA Adam Reeves  
U.S. Attorney's Office for the Northern District  
of California  
450 Golden Gate Avenue  
San Francisco, CA 94102

Re: *United States v. Michael Lynch and Stephen Chamberlain*, 18-cr-577 (CRB)

Dear AUSA Reeves:

As discussed, I enclose a log of communications between my client, Poppy Gustafsson, and representatives of Clifford Chance regarding the preparation of Ms. Gustafsson's witness statement dated November 15, 2018 in *ACL Netherlands BV, et al. v. Michael Lynch and Sushovan Hussain*, Claim No. HC-2015-001324 (High Court of Justice, Chancery Division, Royal Courts of Justice). We understand that these documents may be subject to a claim of litigation privilege under the law of England and Wales.

Sincerely,



James Joseph Benjamin, Jr.

cc: Gary Lincenberg, Esq.  
Michelle Levin, Esq.

LOG OF COMMUNICATIONS WITH CLIFFORD CHANCE REGARDING PREPARATION OF WITNESS STATEMENT FOR U.K. CIVIL TRIAL

## Text messages

Date	Participants	Description
17 October 2018 - 14 May 2019	Poppy Gustafsson and Andrew Murn (CC)	Arrangements for delivery of draft witness statement; sharing passwords for witness statement; scheduling meetings and calls to discuss witness statements; updates regarding preparation of witness statement; arrangements for witness familiarisation session following submission of witness statement.

## Emails

	Date (2018)	Time (GMT)	Sender	Recipient	CC'ed	Description
1.	2 November	12:16	Steven Cornwall (CC)	Poppy Gustafsson	Andrew Murn (CC)	Attaching draft witness statement dated 2 November
2.	2 November	13:09	Andrew Murn (CC)	Poppy Gustafsson	N/A	Providing link for a LoopUp catch-up meeting
3.	4 November	21:42	Poppy Gustafsson	Steven Cornwall (CC)	N/A	Experiencing difficulty accessing materials
4.	5 November	09:32	Steven Cornwall (CC)	Poppy Gustafsson	N/A	Attaching draft witness statement dated 2 November 2018
5.	12 November	17:40	Megan Neaves (CC)	Poppy Gustafsson	Andrew Murn (CC)	Attaching revised draft witness statement dated 12 November
6.	12 November	19:19	Steven Cornwall (CC)	Poppy Gustafsson	Andrew Murn (CC)	Attaching revised draft witness statement dated 12 November



7.	14 November	08:11	Andrew Murn (CC)	Poppy Gustafsson	N/A	Attaching revised draft witness statement dated 14 November
8.	14 November	13:41	Andrew Murn (CC)	Poppy Gustafsson	N/A	Attaching revised draft witness statement dated 14 November
9.	14 November	16:06	Steven Cornwall (CC)	Poppy Gustafsson	Andrew Murn (CC)	Attaching witness statement exhibit bundle
10.	14 November	16:07	Steven Cornwall (CC)	Poppy Gustafsson	Andrew Murn (CC)	Attaching witness statement exhibit bundle spreadsheets
11.	15 November	17:40	Andrew Murn (CC)	Poppy Gustafsson	N/A	Attaching revised draft witness statement dated 15 November together with a redline
12.	15 November	17:44	Megan Neaves (CC)	Poppy Gustafsson	Andrew Murn (CC)	Attaching revised draft witness statement dated 15 November together with a redline
13.	15 November	18:44	Andrew Murn (CC)	Poppy Gustafsson	N/A	Attaching revised draft witness statement for execution
14.	15 November	18:54	Andrew Murn (CC)	Poppy Gustafsson	N/A	Update in connection with draft witness statement
15.	15 November	19:57	Andrew Murn (CC)	Poppy Gustafsson	N/A	Attaching revised draft witness statement for execution
16.	15 November	20:04	Andrew Murn (CC)	Poppy Gustafsson	N/A	Attaching revised draft witness statement for execution